

September 2013

ECA Bulletin

Local Concerns. National Impact



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D.C. Update

The new fiscal year is just days away and lawmakers are still debating the funding measure that is needed to keep the Federal Government running. In early August, we knew Congress would have only nine legislative days between their return from recess (September 9) and the start of the new fiscal year (October 1) to pass FY14 appropriations bills or a placeholder continuing resolution to keep the government open.

Conventional wisdom and recent history suggest that lawmakers will pass a funding bill in time to prevent a government shutdown, no matter how exciting they make it. That said, the present situation (primarily, issues related to the Affordable Care Act) presents a higher risk of shutdown than at any other time in recent years.

Even if shutdown is averted this time, the same issues will rise again when the eventual continuing resolution expires (the original House measure

would fund the government through December 15, while Senate leaders are discussing amending the date to November 15 and House leaders have since announced the potential of further amending the date to just one week). Some observers believe the biggest showdown, and greatest potential for significant damage to the economy, will be over the debt ceiling, which the Treasury Department says must be extended by October 17.

No matter what happens, this crisis method of budgeting underscores the uncertainty that has undermined agency programs and impacted local communities for years.

Annual Defense Authorization Act Likely Delayed Until December

Senate Armed Services Committee Chairman, Carl Levin, said this month that passage of the FY14

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Executive Committee



Energy
Communities
Alliance

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City of Oak Ridge, Tennessee

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Incorporated County of
Los Alamos, New Mexico

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Mayor Steve Young
City of Kennewick, WA

Immediate Past Chair

Councilmember Robert Thompson
City of Richland, Washington

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D.C. Update

National Defense Authorization Act, which governs key DOE/NNSA programs, will be a “cliffhanger.” Specifically, Levin said the bill will likely be considered in December, as opposed to the earlier-hoped target of September.

The NDAA authorizes the budget authority of the Department of Defense and DOE national security programs, and includes key provisions such as the Manhattan Project National Historical Park Act. The Manhattan Project bill, which would establish a Manhattan Project National Historical Park encompassing facilities in Hanford, Washington; Oak Ridge, Tennessee; and Los Alamos, New Mexico, was incorporated into the House version of the NDAA.

The House passed its version of the NDAA (H.R. 1960) on June 14, and the Senate Armed Services

Committee passed its version (S. 1197) on June 20. The full Senate has not yet taken action on the bill.

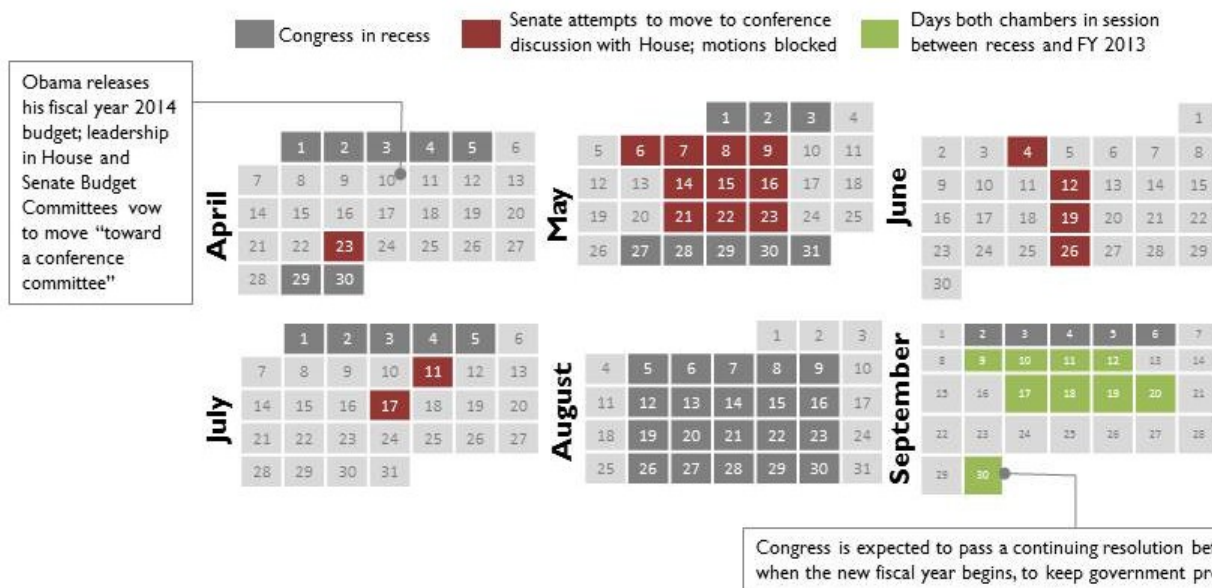
For more information on the contents of these bills, see page six of the [June 2013 ECA Bulletin](#).

House Panel Holds Hearing on Implementing the Nuclear Waste Policy Act

The House Energy and Commerce Subcommittee on Environment and the Economy held a hearing on “Implementing the Nuclear Waste Policy Act – Next Steps” on September 10. The hearing was convened to consider the August 13 ruling by the U.S. Court of Appeals for the D.C. Circuit that the Nuclear Regulatory Commission must resume its review of DOE's license application for the Yucca Mountain repository.

NRC Chairman Allison Macfarlane testified alongside DOE Assistant Secretary for Nuclear Energy Peter Lyons.

Little Progress on Fiscal Year 2014 Budget Negotiations



Source: Billy House and Michael Catalini, “Congress Looks Headed for Another CR,” *National Journal*, July 23, 2013; Billy House, “Cantor Unsure Budget Will Ever Go to Conference,” *National Journal*, July 19, 2013; Senate Budget Committee; House Budget Committee; *National Journal Research*.

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FY14 DOE/NNSA FUNDING TABLES

Account Funding Levels (select accounts)

Account	FY14 Request	Senate Appropriations	House Appropriations	Senate Authorization	House Authorization
DOE	\$28.95 billion	\$28.21 billion	\$24.93 billion	N/A	N/A
NNSA	\$11.69 billion	\$11.76 billion	\$11.27 billion	\$11.6 billion	\$11.9 billion
NNSA Weapons Activities	\$7.87 billion	\$7.87 billion	\$7.68 billion	\$7.87 billion	\$8.09 billion
Defense Environmental Cleanup	\$5.32 billion	\$5.15 billion	\$5.02 billion	\$5.24 billion	\$4.96 billion
Office of Legacy Management	\$176.98 million	Not available	\$173.03 million	\$176.98 million	\$176.98 million

Defense Environmental Cleanup Site Details (select sites)

Account	FY14 Request	Senate Appropriations	House Appropriations	Senate Authorization	House Authorization
Hanford	\$921.79 million	Not available	\$876.61 million	\$941.79 million	\$921.79 million
Office of River Protection	\$1.21 billion	Not available	\$1.19 billion	\$1.26 billion	\$1.21 billion
Los Alamos National Laboratory	\$219.79 million	Not available	\$195 million	\$259.79 million	\$219.79 million
Oak Ridge Reservation	\$193.94 million	Not available	\$204.03 million	\$203.94 million	\$193.94 million
Savannah River Site	\$1.09 billion	Not available	\$1.07 billion	\$1.24 billion	\$1.183 billion
Waste Isolation Pilot Plant	\$203.39 million	Not available	\$204.54 million	\$236.39 million	\$203.39 million

Intergovernmental Meeting with the U.S. Department of Energy

OCTOBER 28-30, 2013

HOTEL MONTELEONE
NEW ORLEANS, LOUISIANA

Registration is now open for the 2013 Intergovernmental Meeting with DOE in New Orleans. The meeting will be held on October 28 – 30 at the Hotel Monteleone. The hotel reservation and meeting registration deadline is **Tuesday, October 1, 2013** and the registration cost for the meeting is \$245.00. ECA members should contact Allison Doman at allison@energyca.org for more information on the meeting.

ECA will hold a board meeting on Monday, October 28 from 12:00 pm - 3:00 pm. The Intergovernmental Roundtable on Consent-Based Siting will be held from 3:30 PM – 5:30 PM.

Participating Intergovernmental Groups

Energy Communities Alliance (ECA)
Environmental Council of The States (ECOS)
National Association of Attorneys General (NAAG)
National Conference of State Legislatures (NCSL)
National Governors Association (NGA)
State and Tribal Government Working Group (STGWG)

Meeting Information:

The participating intergovernmental groups will be ECA, Environmental Council of the States (ECOS), National Association of Attorneys General (NAAG), National Conference of state legislatures (NCSL), National Governors Association (NGA) Center for Best Practices, and State and Tribal Government Work Group (STGWG).

At the meeting participants will discuss EM planning budgets, DOE waste management policy and strategies, America's nuclear future, and interagency and intergovernmental coordination and decision making. Top DOE-EM officials and other intergovernmental representatives will address participants.

Reimbursement information:

ECA will pay for the travel and the per diem of **two people per ECA local government member community and one person per affiliate member**. Please note that all reimbursement claims must adhere to GSA regulations. In addition, ECA may be able to assist other local government officials interested in attending the meeting on a case by case basis. Although ECA will only reimburse two individuals from each member community, each community is free to send as many delegates as they want to the meeting.

If you are requesting reimbursement, please send the names and titles of the individuals from your community that will be attending to allison@energyca.org. ECA may be able to reimburse additional members from a community to attend the event (with prior written approval from ECA staff). At this time ECA is not able to reimburse you for the registration fee for the conference, but ECA may be able to provide some assistance with registration fees once we determine how many ECA members will attend the meeting.

All flights over \$600.00 must be approved by ECA Staff. ECA is not able to reimburse you for rental cars for this meeting.

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Intergovernmental Meeting with the U.S. Department of Energy

ECA will reimburse hotel expenses for Sunday, Monday and Tuesday evenings only.

Hotel Information

The Hotel Monteleone
214 Royal Street
New Orleans, LA 70130
Phone: 504.523.3341
Fax: 504.684.4491

www.hotelmonteleone.com

Located on the world famous Royal Street, The Hotel Monteleone is situated at the gateway to the French Quarter and just one block from the sights and sounds of Bourbon Street and Canal Street.

Hotel Reservations

A block of rooms has been reserved for the 2013 Intergovernmental Meeting with the US Department of Energy at the prevailing federal per diem rate (currently \$140.00 single or double occupancy) plus 13% applicable state and city taxes

and a \$2.00 per room per night occupancy tax. The hotel will offer the prevailing per diem rate three days pre- and post-meeting dates, based on availability.

To secure the negotiated rate, reservations must be made **no later than Tuesday, October 1, 2013**. After this date, the availability of rooms and/or the group rate cannot be guaranteed.

To reserve your room, please contact the hotel's central reservations office at 1-504-523-3341.

To ensure you receive the special group rate, please identify yourself as an attendee of the Intergovernmental Meeting.

You must provide a major credit card or deposit equivalent to one night's room and tax charge to guarantee your reservation.

All hotel charges are your responsibility and must be paid upon departure. Check in time is 3:00 P.M. and check out time is 12:00 noon.

If you or any of your members have any questions, please contact Allison Doman, ECA Deputy Executive Director, at allison@energyca.org or 202-828-2423



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D.C. Update

Members of the committee urged NRC and DOE to follow the law and move forward with efforts to build the repository. Committee members expressed belief that the first step in complying with the court's mandate is for NRC to complete the Safety Evaluation Report (SER) on Yucca Mountain and release it publicly.

"Congress needs the opportunity to examine the NRC's long-overdue unredacted technical analysis, and the public who paid for it deserve to know the report's conclusions. During the three years the

administration has been suppressing this document, Congress has been denied an informed discussion about next steps... The path forward is unmistakable. Compliance with the law is not optional," said full committee chairman Fred Upton (R-MI).

When asked by Chairman Shimkus if she saw a scenario where the NRC would decide not to issue the SER, Macfarlane responded, "We are still deliberating on that."

Committee leadership stated they will continue to hold the administration accountable to following the

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D.C. Update

law, and both NRC and DOE witnesses committed to providing the committee with monthly reports detailing actions concerning resumption of the license review.

See a related story about the Yucca Mountain license process on page 9.

Robinson Nomination as DOE Under Secretary for Management and Performance Considered by Senate Energy and Natural Resources Committee

President Obama's nominee to serve in the newly created position of DOE Under Secretary for Management and Performance, Beth Robinson, appeared before the Senate Energy and Natural Resources Committee on September 17.

In prepared remarks, Robinson said "The position of Under Secretary for Management and Performance carries a tremendous responsibility as the pivotal point where operations, accountability, evaluation, and sound management all reside."

"If confirmed, I would make it a priority to work closely with DOE leadership, my staff, and each of

the constituencies with which DOE's programs interface to understand the key management and performance issues that DOE and its component programs face. I would also make it a priority to pursue agency and congressional cleanup requirements, and work with affected constituencies to understand their concerns," Robinson said.

The hearing video archive is available [here](#).

Klotz Nomination as NNSA Administrator and Under Secretary for Nuclear Security Considered by Senate Armed Services Committee

The Senate Armed Services Committee considered President Obama's nomination of Lieutenant General Frank G. Klotz, USAF (Ret) to serve as NNSA Administrator and Under Secretary for Nuclear Security on September 19.

Regarding major challenges and problems he anticipated, Klotz said "escalating costs in several major programs and capital construction projects are cause for serious concern, especially as pressures on government spending continue to mount. Additionally, a widely-publicized security lapse at a key NNSA facility last year raises questions about

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DOE Leadership Status

Title	Name	Status
Secretary of Energy	Dr. Ernest Moniz	Since May 16, 2013
Deputy Secretary of Energy	Daniel Poneman	Since May 18, 2009
Under Secretary for Management and Performance	Beth Robinson	Nominated (no acting)
Under Secretary for Nuclear Security and NNSA Administrator	Lieutenant General Fran G. Klotz, USAF (Ret)	Nominated (Bruce Held is acting)
Under Secretary for Science and Energy	None	No nomination nor acting
Assistant Secretary for Environmental Management	None	No nomination; Dave Huizenga is Senior Advisor and acting as head of EM
Assistant Secretary for Nuclear Energy	Dr. Pete Lyons	Since April 14, 2011

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D.C. Update

the overall health of the security and safety culture within the broader enterprise.” To address these challenges, Klotz said “NNSA must improve its accountability; performance—including project management, planning and cost estimating processes; improve the way it does business; and invest in the future of its enterprise.”

“If confirmed, I will place immediate emphasis in working with the Secretary, as well as the directors of the national security laboratories, plants and field offices, to (1) clarify lines of authority, responsibility, and accountability within the entire NNSA enterprise, and (2) identify steps to streamline business processes and eliminate needlessly burdensome, non-value-added activities that stand in the way of NNSA’s people and their incentive to innovate. I will likewise focus with intensity on adopting measures to dramatically improve NNSA’s capabilities for cost estimation, program management, and oversight of capital construction projects,” Klotz said.

Regarding the deferral of constructing the Chemistry, Metallurgy Research Replacement Nuclear Facility (CMRR-NF), Klotz said “I understand that the decision to defer the CMRR-NF construction for at least five years was necessary at the time due to reductions in the NNSA’s budget request in the fiscal year 2012 cycle, competing priorities, and a further reduction of funding under the Budget Control Act. If confirmed, I will be committed to ensuring the NNSA can deliver the

plutonium capabilities—including the underlying analytical capabilities and infrastructure—required to ensure the safety, security and effectiveness of the nuclear weapon stockpile.”

Committee Chairman, Carl Levin, said he hopes his committee will reconvene soon to advance Klotz’ nomination, and that the full Senate will vote to confirm Klotz thereafter.

The Senate Armed Services Committee hearing video archive is available [here](#).

The hearing video archive is available [here](#).

President Unveils New Nominations

President Obama unveiled a new batch of nominations on September 11, including Bradley Crowell as Assistant Secretary of Energy for Congressional and Intergovernmental Affairs and Beth Cobert as Deputy Director of the Office of Management and Budget.

Crowell has served as acting Assistant Secretary of Energy for Congressional and Intergovernmental Affairs since his predecessor, Jeff Lane, left the department earlier this year.

If nominated, Cobert would take over for Steven VanRoekel, who has served as OMB’s acting Deputy Directory since Jeff Zients departed in May. OMB plays a key role in federal budget-making, including the “passback” process where agencies submit draft budgets to OMB for review and revision prior to submission to the President.

President Obama’s September nominations announcement is available [here](#).



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NRC RELEASES WASTE CONFIDENCE RULE FOR PUBLIC COMMENT

The Nuclear Regulatory Commission released draft versions of its waste confidence rule and generic environmental impact statement, for public comment, on September 13. ECA is coordinating its comments and ECA members should contact Kara Colton at Kara.Colton@energyca.org if they want to participate in drafting the response.

The NRC's original waste confidence rule from 2010 was struck down in June 2012 by a U.S. Court of Appeals, necessitating the new rule. Consequently, the NRC has said it will not relicense existing nuclear reactors, or license new reactors, until a new final rule is in place.

The commission proposes to conclude that it is feasible to safely store spent nuclear fuel beyond The Nuclear Regulatory Commission released draft versions of its waste confidence rule and generic environmental impact statement, for public comment, on September 13. ECA is coordinating its comments and ECA members should contact Kara Colton at Kara.Colton@energyca.org if they want to participate in drafting the response.

The public comment period ends on Wednesday, November 27, 2013.

NRC Schedules 12 Meetings Nationwide on Waste Confidence Proposed Rule and Environmental Study

NRC staff will hold 12 meetings to receive public comment on the proposed rule and the draft environmental study that supports the rule. The meetings are scheduled for the following dates and cities

- October 1, NRC headquarters, Rockville, Maryland
- October 3, Denver, Colorado
- October 7, San Luis Obispo, California
- October 9, Carlsbad, California
- October 15, Perrysburg, Ohio
- October 17, Minnetonka, Minnesota
- October 28, Chelmsford, Massachusetts
- October 30, Tarrytown, New York
- November 4, Charlotte, North Carolina
- November 6, Orlando, Florida
- November 14, NRC headquarters, Rockville, Maryland

The staff will hold an additional meeting in Illinois during the public comment period. Details of this meeting will be announced on the NRC's waste confidence webpage as they are finalized.

The regional meetings will be held from 7–10 p.m. local time, and will be transcribed. The meetings at NRC headquarters will run from 2–5 p.m. EST, and will be webcast as well as transcribed. NRC staff members will be available for informal discussions an hour before each meeting.

The NRC's proposed Waste Confidence rule for public comment is available [here](#).

The NRC's Notice of Availability for the Waste Confidence draft generic environmental impact statement (DGEIS) is available [here](#).

The Environmental Protection Agency's Notice of Availability of the Waste Confidence DGEIS is available [here](#).



Bulletin Ideas?

Would you like to have stories featured in the next Bulletin?
Send your ideas and photos to Allison@energyca.org

NRC ANNOUNCES PLANS TO COMPLY WITH COURT ORDER DIRECTING RESUMPTION OF YUCCA LICENSING REVIEW; LAWMAKERS EXPRESS SKEPTICISM ABOUT AGENCY INTENT

The Nuclear Regulatory Commission announced, on August 30, how it will resume the licensing process for the Yucca Mountain Nuclear Waste Repository, per court order. As we reported last month, the U.S. Court of Appeals for the D.C. Circuit ruled in a 2-1 decision that the NRC must “promptly continue the legally mandated licensing process” for Yucca Mountain. The NRC has said it will comply with that order, within its available funds, while local, state and national leaders expressed concern that the NRC still does not intend to move the process forward.

The NRC says it has approximately \$11 million left to resume the licensing process, which was

suspended in September 2011. In order to determine the path forward, the commission asked participants in the adjudicatory proceeding to offer views, by September 30 on how to restart the licensing process. The NRC also directed its staff to gather budgeting information during the 30-day comment period.

At a September 10 House Energy and Commerce subcommittee hearing to consider the matter, Chairman Shimkus expressed concern about the potential for the commission to delay, stating, “Here we are, nearly a month after the D.C. Circuit issued

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GAO REPORT, *MODERNIZING THE NUCLEAR SECURITY ENTERPRISE: OBSERVATIONS ON NNSA'S OPTIONS FOR MEETING ITS PLUTONIUM RESEARCH NEEDS*

The Government Accountability Office (GAO) released a report, *Modernizing the Nuclear Security Enterprise: Observations on NNSA's Options for Meeting Its Plutonium Research Needs*, on September 11, 2013.

The Senate Armed Services Committee Report accompanying the 2013 National Defense Authorization Act (P.L. 112-239) directed GAO to create this report to review the Los Alamos National Laboratory (LANL) study on how to address a potential plutonium research gap resulting from the decision to defer the Chemistry and Metallurgy Research Replacement nuclear facility for at least five years.

LANL's April 2012 study identified several options to meet NNSA's plutonium research needs, including relocations and renovations that could cost up to \$820 million. As of July 2013, NNSA officials stated that an option had not yet been

selected for meeting plutonium research needs from 2019 through the late-2020s, and no decisions have been made on facilities to address longer-term plutonium research needs. To address its ongoing, longer-term plutonium research needs, NNSA stated it is now considering a modular facility.

GAO concluded that the potential impacts of the options identified in LANL's study on NNSA's plutonium research for the nuclear weapons stockpile and other plutonium mission areas are uncertain, for a variety of technical reasons cited in the NNSA report.

GAO recommends that NNSA continue efforts to assess how plutonium research and capability needs and stockpile requirements have changed, if at all since 2008, and develop a plan for both near- and longer-term needs. NNSA agreed with the recommendations.

The report is available [here](#).

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NRC Announces Plans to Comply with Court Order Directing Resumption of Yucca Licensing Review; Lawmakers Express Skepticism about Agency Intent

a writ of mandamus, and the NRC's only action we've seen so far is to invite the parties to comment by September 30. Electricity consumers and taxpayers have waited 30 years and paid \$15 billion dollars to find out whether our independent nuclear safety regulator concluded that Yucca Mountain would be safe or not. Releasing the SER [Safety

Evaluation Report] is the next step in the NRC's process. The NRC has the money to do it, a federal court has ruled that the NRC must proceed, and the NRC says 'hold on, let's ask the parties what they think'. ... I strongly believe the NRC's first order of business is to complete and release the Safety Evaluation Report. Transparency in this matter is essential to rebuilding the agency's reputation as an independent and objective regulator."

Read more about the House panel hearing in the D.C. Update on page 1.

The NRC press release is available [here](#).

DOE IG REPORT, *THE DEPARTMENT OF ENERGY'S MANAGEMENT OF CONTRACTOR RESPONSIBILITY DETERMINATIONS*

The DOE Inspector General released a report, *The Department of Energy's Management of Contractor Responsibility Determinations*, on September 4, 2013. The audit was initiated, in part, because DOE expends a large part of its budget (approximately 90 percent) through contracts and financial assistance agreements.

The report found that DOE Headquarters Procurement and NNSA Office of Acquisition Management did have processes and procedures in place to restrict contract awards to entities with tax delinquencies and those deemed non-responsible, however, protocols were not always followed and improvements could be made.

DOE and NNSA management concurred with IG recommendations to address the observed weaknesses.

The report is available [here](#).

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113th CONGRESS, FIRST SESSION


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 SENATE In Session

 HOUSE In Session

 INAUGURATION

*Please note: Congressional schedule is subject to change



2013 Calendar of Events



September (approximate)	Federal agencies submit initial fiscal year 2015 budgets to the Office of Management and Budget (OMB)
September 30	End of fiscal year 2013
October 1	Beginning of fiscal year 2014
October 14–18	National Nuclear Fuel Summit; Carlsbad, NM. For more information, go to http://www.nuclearfuelcyclesummit.org/
October 22	Defense Nuclear Facilities Safety Board public meeting to discuss safety-related risks associated with continued operation of aging defense nuclear facilities at the Y-12 National Security Complex; Knoxville, Tennessee. For more information, go to https://www.federalregister.gov/articles/2013/08/13/2013-19723/sunshine-act-meeting
October 28–30	Intergovernmental Meeting (ECA, NGA, ECOs, NAAG, STWG and NCSL) with DOE; New Orleans, LA. For more information, contact Allison Doman at allison@energyca.org
November 12–14	Energy, Technology, and Environmental Business Association's (ETEBA) 2013 Business Opportunities Conference; Knoxville Convention Center, Knoxville, TN. For more information, go to http://www.eteba.org/images/stories/2013_BOC/prospectus_2013.pdf
Spring 2013	ECA Annual Meeting; Washington, D.C.



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